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ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 13 TO DIVISION 7 OF TITLE 2 OF THE SAN BERNARDINO COUNTY CODE, RELATING TO COURTHOUSE SECURITY.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Chapter 13 is added to Division 7 of Title 2 of the San Bernardino County Code, to read:

Chapter 13
COURTHOUSE SECURITY

SECTIONS:

- 27.1301 Findings.**
- 27.1302 Definitions.**
- 27.1303 Restricted Entry.**
- 27.1304 Penalty for Violation.**

27.1301 Findings.

The Board of Supervisors finds and determines:

- (a) The San Bernardino County Sheriff is charged with providing security at the courthouses located within the County of San Bernardino.
- (b) In order to detect weapons and other illegal devices, metal detection equipment and/or other resources have been placed at County courthouses by the San Bernardino County Sheriff's Department and the Courts.
- (c) On numerous occasions individuals have attempted to enter County courthouses with weapons and other illegal devices, have attempted to bypass security screening equipment and other perimeter security resources, or have otherwise refused to stop and submit to a search by security personnel.

1 (d) Persons who attempt to circumvent courthouse metal detectors or perimeter
2 security pose a heightened risk of entering the courthouse with weapons and other illegal
3 devices, thereby placing court personnel and the public in danger of violent activity.

4 (e) The County Board of Supervisors desires to create criminal penalties for those
5 who circumvent or attempt to circumvent courthouse security measures.

6 **27.1302 Definitions.**

7 As used in this Chapter, the following terms shall have the following meanings:

8 (a) "Courthouse" means any courthouse located in the County of San Bernardino.

9 (b) "Entry Screening Area" means (1) an entry area or main entryway that contains
10 a metal detector, or (2) for any Courthouse that does not contain a metal detector, an entry
11 area or main entryway designated as an Entry Screening Area by signs posted at the facility.

12 (c) "Weapon" means a firearm, knife, taser, stun gun or similar weapon or device
13 as defined in California Penal Code section 171b, 244.5, 12020, 12401 or 12402, as well as a
14 knife or similar-type weapon with a blade over two inches long.

15 **27.1303 Restricted Entry.**

16 (a) Each person entering a Courthouse shall enter by means of a designated
17 Courthouse Entry Screening Area and must either submit his or her person and property to a
18 screening for weapons or immediately leave the Courthouse and its grounds. This
19 subdivision shall not apply to any peace officer entering a Courthouse on official business
20 and not present as a party to an action who displays a current, valid, official photographic
21 identification issued by a governmental law enforcement agency, except for good cause
22 otherwise reasonably appearing to a weapons screener to conduct a weapons search of a
23 peace officer. This subdivision shall also not apply to any person who has been specifically
24 authorized by the San Bernardino County Superior Court to be currently exempted from
25 Courthouse entry screening requirements entering a Courthouse on official business and not
26 present as a party to an action who displays a current, valid, official photographic
27 identification authorized for Courthouse entry by the San Bernardino County Superior Court,
28 except for good cause otherwise reasonably appearing to a weapons screener to conduct a
Weapons search of such a person. Notwithstanding the above, a peace officer or currently-

1 exempt person entering a Courthouse as a party to an action shall be subject to entry and
2 screening for Weapons via the Courthouse Entry Screening Area.

3 (b) It is unlawful for any person to breach, defeat, bypass, or tamper, or attempt to
4 breach, defeat, bypass, or tamper, with any mechanism, system or facility installed to
5 prevent, bar, screen, or restrict access to a Courthouse or to a Courthouse Entry Screening
6 Area with the intent to circumvent entry screening, or to aid or attempt to aid another in such
7 a breach, defeat, bypass, or tampering, or attempted breach, defeat, bypass, or tampering.

8 (c) It is unlawful for any person to enter or exit a Courthouse with the intent to
9 circumvent or aid another to circumvent a Courthouse Entry Screening Area, by way of any
10 access door, hallway, or entryway posted as "restricted" or "no access," unless expressly
11 permitted to do so by a Sheriff's Deputy or designee whose formal duties and responsibilities
12 include security of a Courthouse.

13 (d) It is unlawful for any person who refuses to submit his or her person and property
14 to a screening for Weapons to refuse to immediately leave the Courthouse and its grounds.

15 (e) The provisions of this Chapter are in addition to the authority of the Sheriff to
16 regulate parties and shall supplement, and not supplant, the exercise of any other law
17 including, but not limited to, arrest or citation pursuant to the California Penal Code or local
18 law.

19 **27.1304 Penalty for Violation.**

20 Any person violating any provision of this Chapter shall be guilty of an infraction or
21 misdemeanor as hereinafter specified. Any person so convicted shall be: guilty of an
22 infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) and
23 not less than fifty dollars (\$50.00) for the first offense, unless that offense includes moving
24 past a Courthouse Entry Screening Area when directed not to do so by a weapons screener
25 or Sheriff's Deputy, in which case the first offense shall constitute a misdemeanor
26 punishable by a fine not exceeding one thousand dollars (\$1,000.00) and not less than five
27 hundred dollars (\$500.00), or by imprisonment for a term not exceeding six (6) months, or by
28 both such fine and imprisonment; guilty of an infraction offense and punished by a fine not
exceeding two hundred dollars (\$200.00) and not less than one hundred dollars (\$100.00) for

1 a second offense, unless that offense includes moving past a Courthouse Entry Screening
2 Area when directed not to do so by a weapons screener or Sheriff's Deputy, in which case
3 the second offense shall constitute a misdemeanor punishable by a fine not exceeding one
4 thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00), or by
5 imprisonment for a term not exceeding six (6) months, or by both such fine and
6 imprisonment. The third and any additional offenses shall constitute misdemeanors and
7 shall each be punishable by a fine not exceeding one thousand dollars (\$1,000.00) and not
8 less than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding six (6)
9 months, or by both such fine and imprisonment.

10 SECTION 2. The Board of Supervisors declares that it would have adopted this
11 ordinance and each section, subsection, sentence, clause, phrase, or portion of it
12 irrespective of the fact that any one or more sections, subsections, clauses, phrases or
13 portions of it be declared invalid or unconstitutional. If for any reason any portion of this
14 ordinance is declared invalid or unconstitutional, then all other provisions of it shall remain
15 valid and enforceable.

16 SECTION 3. This ordinance shall take effect thirty (30) days from the date of
17 its adoption.

18 _____
19 DENNIS HANSBERGER
Chairman, Board of Supervisors

20 SIGNED AND CERTIFIED THAT A COPY
21 OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

22 J. RENEE BASTIAN, Clerk of the
23 Board of Supervisors
24 _____

25 STATE OF CALIFORNIA)
26 COUNTY OF SAN BERNARDINO) ss.

27 I, J. RENEE BASTIAN, Clerk of the Board of Supervisors of the County of San
28 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
Supervisors of said County and State, held on the _____ day of _____, 2004, at
which meeting were present Supervisors: _____

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and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES: SUPERVISORS:

NOES: SUPERVISORS:

ABSENT: SUPERVISORS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this ____ day of _____, 2004.

J. RENEE BASTIAN, Clerk of
the Board of Supervisors of the County
of San Bernardino, State of California

Deputy

APPROVED AS TO FORM
RONALD D. REITZ, County Counsel

By _____
ROBERT L. JOCKS
Deputy County Counsel

Dated: _____